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<b>APPLICATION NO.</b>	20/02676/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	30.10.2020
<b>APPLICANT</b>	Ms N Herdrickse
<b>SITE</b>	78 Botley Road, North Baddesley, SO52 9DU, <b>NORTH BADDESLEY</b>
<b>PROPOSAL</b>	Change of use of ground floor to dental practice with parking at rear
<b>AMENDMENTS</b>	None
<b>CASE OFFICER</b>	Mr Graham Melton

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee because it is contrary to the provisions of the adopted Local Plan, adverse third party representations have been received and the Officer recommendation is for permission.

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site comprises a two storey detached building currently comprising two flats, located on the south-west side of Botley Road in the settlement area of North Baddesley.

## 3.0 PROPOSAL

- 3.1 The proposal is to change the ground floor unit to a dental practice. The parking provision is proposed to be located at the rear (south-west) of the plot within the area currently laid to gravel.

## 4.0 RELEVANT HISTORY

- 4.1 **20/01547/FULLS** - Erection of single storey dwelling with parking and associated external areas; alterations to parking and external areas of Oakley House dwellings. *Pending consideration.*
- 4.2 **15/00092/PDJS** - Prior notification for a change of use under Class J - Change use from offices to dwelling. *Prior Approval not required, decision issued 06.03.2015.*
- 4.3 **13/00330/FULLS** - Change of use of ground floor from A1 retail to office use and provision of parking area at rear. *Permission subject to conditions and notes, decision issued on 16.04.2013.*

## 5.0 CONSULTATIONS

- 5.1 **Environmental Protection** – No objection subject to conditions.
- 5.2 **Highways** – No objection.

- 6.0 **REPRESENTATIONS** Expired 05.02.2021  
6.1 **North Baddesley Parish Council** – No comment.

- 6.2 **2 letters in total from residents (8 Laburnum Close and North Baddesley Village Hall)** – Objection (summarised).

Impact on the general amenity of the area

- Request that proposed car parking area is laid with non-migratory material to reduce noise disturbance
- Proposal only includes six car parking spaces, with five staff members listed on the applicants website
- Shortfall in parking would result in use of the neighbouring village hall car park by customers of the dental practice
- Concerned that proposal would give rise to the misuse of the neighbouring car park serving the village hall, triggering the need for parking controls and resulting in additional expense

Impact on the amenity of neighbouring property

- Request that separate boundary fence or hedge at the rear boundary to prevent vehicles parking too close as well as keeping privacy and reducing overlooking

Crime and Community Safety

- Request that car park to be locked when not in use to avoid crime and community safety

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016) (TVBRLP)

Policy SD1: Presumption in Favour of Sustainable Development  
Policy COM1: Housing Provision 2011 - 2029  
Policy COM2: Settlement Hierarchy  
Policy E1: High Quality Development in the Borough  
Policy E5: Biodiversity  
Policy LHW4: Amenity  
Policy T1: Managing Movement  
Policy T2: Parking Standards  
Policy CS1: Crime and Community Safety

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the amenity of residential property
- Highways
- Impact on the character and appearance of the area
- Community Safety

## 8.2 **Principle of development**

The existing building currently comprises residential unit at ground floor level and a separate residential unit at first floor level. The proposed scheme would result in the conversion of the ground floor residential unit to a dental practice and therefore trigger the loss of a residential unit from the existing housing stock. Policy COM1 sets the minimum housing provision for the Borough over the Local Plan period. This strategy is reliant on the retention of the existing housing stock as well as the delivery of additional housing. Consequently, the application is in conflict with Policy COM1 of the TVBRLP.

## 8.3 Other Material considerations

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an assessment is required as to whether there are other material considerations that would outweigh the development plan conflict identified above. In this instance, it is noted from the submitted design and access statement that the dental practice is currently located at 32 Botley Road, approximately 320m to the north of the application site. This existing premises is also located within the settlement area of North Baddesley and was previously converted into commercial use from a residential dwelling.

8.4 The submitted information demonstrates the applicant's intention is to move from the existing premises to the application site with the potential for the existing dental premises to be converted into a residential dwelling. This potential change of use would require a separate grant of planning permission which is not currently in place and the Local Planning Authority cannot guarantee or control its implementation in the event such a permission was granted. However, the applicant has agreed to enter into a legal agreement which will ensure the cessation of the existing dental practice use at 32 Botley Road prior to the occupation of the application site. Although this will not ensure that the loss of a dwelling from the existing housing stock will be avoided the legal agreement will prevent the possibility of both planning units, namely 32 Botley Road and the application site, being utilised as a dental practice and thereby duplicating the existing service provision.

## 8.5 Benefits

In support of the application, the planning agent has submitted details of how the proposed layout represents an improvement upon the existing arrangement at 32 Botley Road. These improvements relate to the current additional restrictions arising from the pandemic, but also changes which will enable the delivery of a higher quality practice in the long term regardless of the current pandemic restrictions. In particular, the increased size of the decontamination room and the allocation of a specific staff room enable the accommodation of additional equipment and the separation of staff and patient waiting areas. Consequently, it is considered that the proposed scheme will serve to enable the delivery of an improved dentist practice serving the local community and the associated economic and social benefits which arise from an improvement in health services.

8.6 In relation to the environmental impact, both the application site and existing premises are located within the settlement boundary and align Botley Road, which is well served by bus services and public footpaths. However, the application site is located in closer proximity to the existing local shop and other services at St John Centre on the junction with Rownhams Road. As a result, it is considered that the application site presents an opportunity to consolidate existing services within a tighter arrangement, presenting an opportunity to reduce travel distance and improve the possibility for linked trips. Consequently, it is considered that the proposed development will deliver economic, social and environmental benefits to qualify as sustainable development as set out in the NPPF.

8.7 Conclusion on the principle of development

Although the application site is located within the settlement area of North Baddesley, the proposed development would result in the loss of an existing dwelling and therefore is in conflict with Policy COM1 of the TVBRLP. However, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 it is considered in this instance that there are other material considerations which serve to outweigh the conflict identified. These include the ability to prevent the duplication of planning units in use as a dental practice through the completion of a legal agreement and the benefits arising from the ability to deliver an improved internal arrangement in an environmentally sustainable location. As a result, the principle of development is considered acceptable subject to compliance with the other relevant policies of the TVBRLP. An assessment against these policies is set out below.

8.8 **Impact on the amenity of residential property**

Concern has been raised with regard to the potential impact on the amenity of the neighbouring property which adjoins the rear (south-west) boundary of the application site, 8 Laburnum Close, particularly in relation to the potential noise impact generating from vehicles accessing the car park area which is currently laid to gravel. On this matter, it is noted that the proposed car parking area is already allocated as 4 spaces to serve the current residential use of the existing building. As a result, it is considered that the resulting additional noise generated from the increased provision of car parking spaces does not represent a substantial impact and it is noted any additional noise will be limited to the operation hours of the dental practice. Consequently, it is not considered that this element of the proposal would give rise to a significant adverse impact on the amenity of neighbouring property.

8.9 It is noted from the proposed site plan drawing that an access ramp is shown to serve the proposed entrance on the rear (south-west) of the existing building, which runs towards the boundary with 80 Botley Road the neighbouring property that adjoins the application site to the south. Currently, an approximately 2m high fence serves as the boundary treatment to provide screening and it is considered that this is sufficient to protect the amenity of neighbouring property from the access ramp which will serve the rear entrance.

- 8.10 In addition, it is considered that the existing approximately 1.8m high boundary fencing is sufficient to prevent any adverse overlooking opportunity or light spill from the vehicles accessing the car parking area. In conjunction with the absence of any additional fenestration or massing to existing building, it is considered that the proposal will sufficiently provide for the privacy and daylight/sunlight provision of the existing dwellings which adjoin the application site.
- 8.11 In order to protect the residential amenity of the residential dwelling to be retained at first floor level, it is considered that a number of controls will need to be imposed by condition. These include restrictions on operating hours and the submission of additional details for sound insulation measures and any additional external plant equipment to be installed. With these controls in place, it is considered that there will be no potential for an adverse noise disturbance to the first floor dwelling. Furthermore, the proposal includes the retention of the garden area which currently serves this residential unit and therefore, it is considered the proposed scheme sufficiently provides for the amenity of this residential property.
- 8.12 It is noted that the submitted planning statement asserts that the imposition of a condition preventing a subsequent change of use to those also falling with the same use class as a dental practice (Class E as set out within the Use Class Order legislation enacted in 2020) is unnecessary. However, it is noted that the other possible alternative uses falling under Class E include retail, the sale of food and drink as well as other recreational uses which are likely to widely differ in terms of footfall and potential for noise and odour generation. Given the presence of the residential unit at first floor level in particular, it is therefore considered necessary to recommend a condition preventing any subsequent change of use without the submission of a planning application. The purpose of this condition is to ensure that the Local Planning Authority has the ability to consider the effect of other uses on neighbouring property with appropriate conditions to ensure the residential amenity of neighbouring properties are protected into the future. . With these controls in place, it is considered that the proposal will sufficiently provide for the residential amenity of neighbouring property and therefore, the application is in accordance with Policy LHW4 of the TVBRLP.
- 8.13 **Highways**  
Access  
Although the proposed development represents an intensification in the use of the existing vehicular access, it is not considered that the potential resulting increase in vehicular movements is materially significant. Furthermore, the proposal includes sufficient space to enable the turning and moving of vehicles onsite. As a result, it is not considered that the proposed scheme will give rise to an adverse impact on highway safety and the application is in accordance with Policy T1 of the TVBRLP.

#### 8.14 Parking

Third party representations have raised concern that the application would result in a shortfall of onsite parking provision, with the potential for visitors to park in neighbouring car parks or on the public highway. On this matter, it is noted that the proposed site plan demonstrates the provision of 8 car parking spaces in total, located at the rear (north-west) of the plot including one space designated for disabled users.

8.15 With regard to the parking requirements as set by Annexe G and Policy T2 of the TVBRLP, the retention of the existing first floor flat triggers the requirement for 2 car parking spaces. In relation to the proposed dentist use, the minimum parking standards comprise 3 spaces per consulting room and therefore, in this instance a total of 6 car parking spaces is needed to serve the two proposed consulting rooms. As a result, the overall total provision of 8 spaces is sufficient to accommodate the minimum requirement for both the dental practice and the retained first floor dwelling unit, avoiding the potential for on street parking or overspill into neighbouring car parks outside the extent of the application site. Therefore, the application is in accordance with the minimum parking standards set out in Annexe G and Policy T2 of the TVBRLP.

#### 8.16 **Impact on the character and appearance of the area**

In the absence of any materially significant alterations to the existing building, it is not considered that the proposed development will result in any visual detriment to the settlement character of the area. Consequently, the application is in accordance with Policy E1 of the TVBRLP.

#### 8.17 **Community Safety**

The third party representation raising concern with respect to the management of the car parking area and its accessibility from the public realm is noted. However, given that the proposal seeks to utilise an existing layout it is not considered that there will be an increased opportunity for crime or anti-social behaviour with the management of the application site a private, civil matter. As a result, the application is in accordance with Policy CS1 of the TVBRLP.

#### 9.0 **CONCLUSION**

9.1 The proposal conflicts with Policy COM1 of the TVBRLP which seeks to ensure the retention of the existing housing stock. Therefore, the application represents a departure from the adopted Local Plan.

9.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an assessment of the other material considerations has been undertaken. In this instance, it is considered that the proposal will result in the delivery of an improved dentistry practice located in closer proximity to other existing services. As a result, it is considered that the social, economic and environmental benefits outweigh the conflict with the TVBRLP. The proposal complies with all of the other relevant policies of the Local Plan.

9.3 Therefore, the officer recommendation is for permission subject to the conditions listed below. This recommendation is also subject to the completion of a legal agreement which will prevent the occupation of both the existing premises and the application site as a dentist practice at the same time.

#### 10.0 **RECOMMENDATION**

**Delegate to Head of Planning and Building for completion of satisfactory s106 legal agreement to secure;**

- **Cessation of dentist practice use at existing premises, 32 Botley Road, prior to occupation**

**Then PERMISSION subject to conditions and notes:**

1. **The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:  
Site Location Plan (100)  
Proposed Site Plan (001 Rev E)  
Proposed Floor Plans  
Reason: For the avoidance of doubt and in the interests of proper planning.**
3. **The operation of the use hereby permitted shall be restricted such that the start time of appointments for clients will limited to be within the hours of 08:00 and 18:00 Monday to Friday and 09:00 and 13:00 on Saturday only, and at no time on Sundays and Bank Holidays.  
Reason: To protect the amenities of local residents in accordance with Policies E8 and LHW4 of the Test Valley Borough Revised Local Plan (2016).**
4. **No fixed plant or machinery shall be installed outside of any building, except where prior approval has been obtained from the Local Planning Authority prior to installation. Any application seeking prior approval shall demonstrate that the proposed plant or machinery will not have a significant adverse impact upon the amenity of neighbouring properties by virtue of the emission of noise. Any fixed plant or machinery shall be installed in accordance with the approved details and retained in perpetuity.  
Reason: To protect the amenities of local residents in accordance with Policies E8 and LHW4 of the Test Valley Borough Revised Local Plan (2016).**
5. **The site shall be used for a dentist practice and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).**

**Reason: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case for accordance Policies E8 and LHW4 of the Test Valley Borough Revised Local Plan (2016).**

- 6. Prior to the commencement of the use hereby permitted, 8 car parking spaces including parking for blue badge holders, shall be constructed, surfaced and laid out in accordance with the approved drawing Proposed Site Plan (001 Rev E). The area of land so provided shall be maintained at all times for this purpose.**

**Reason: To ensure sufficient off-street parking has been provided in accordance with the minimum parking standards set out in Annexe G and Policy T2 of the Test Valley Borough Revised Local Plan (2016).**

- 7. Prior to occupation, a scheme of sound insulation works between the ground floor and first floor shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be designed to ensure a minimum  $D_{nT,w} + C_{tr}$  of 48 dB and following approval, shall be implemented prior to first use and thereafter maintained in perpetuity.**

**Reason: To protect the amenities of local residents in accordance with Policies E8 and LHW4 of the Test Valley Borough Revised Local Plan (2016).**

**Note to applicant:**

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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